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UTAH STATE IMPLEMENTATION PLAN

SECTION X

VEHICLE INSPECTION AND MAINTENANCE PROGRAM

PART A

GENERAL REQUIREMENTS AND APPLICABILITY

Adopted by the Utah Air Quality Board
[~~December 5, 2012~~]

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UTAH STATE IMPLEMENTATION PLAN
SECTION X
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PART A
GENERAL REQUIREMENTS AND APPLICABILITY

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1. General Requirements

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Federal I/M Program requirements: Utah was previously required by Section 182 and Section 187 of the Clean Air Act to implement and maintain an Inspection and Maintenance (I/M) program in Davis, Salt Lake, Utah, and Weber counties that met the minimum requirements of 40 code of federal regulation (CFR) Part 51 Subpart S and that was at least as effective as the EPA's Basic Performance Standard as specified in 40 CFR 51.352. The Basic Performance Standard requirement is no longer applicable as the relevant nonattainment areas in Davis, Salt Lake, Utah, and Weber counties have been redesignated to attainment / maintenance for the carbon monoxide (CO) National Ambient Air Quality Standards (NAAQS) and the 1-hour ozone NAAQS. Parts A, B, C, D, and E of Section X, together with the referenced appendices, continue to demonstrate compliance with the 40 CFR Part 51 provisions for Inspection and Maintenance Program Requirements for Davis, Salt Lake, Utah, and Weber counties and produce mobile source emission reductions that are sufficient to demonstrate continued maintenance of the applicable CO and 1-hour ozone NAAQS. In addition, the Cache, Davis, Salt Lake, Utah, and Weber counties' I/M programs are also utilized as a control measure to attain and maintain EPA's particulate NAAQS (PM_{2.5} and PM₁₀).

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On-Board Diagnostics (OBD) Checks: By January 1, 2002, OBD checks and OBD-related repairs are required as a routine component of Utah I/M programs on model year 1996 and newer light-duty vehicles and light-duty trucks equipped with certified on-board diagnostic systems. The federal performance standard requires repair of malfunctions or system deterioration identified by or affecting OBD systems.

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Utah I/M program history and general authority: The legal authority for Utah's I/M programs, Utah Code Annotated Section 41-6-163.6¹, was enacted during the First Special Session of the Utah legislature in 1983. I/M programs were initially implemented by Davis and Salt Lake counties in 1984, by Utah County in 1986, and by Weber County in 1990.

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In 1990, the legislature enacted Section 41-6-163.7² that requires that counties with I/M programs use computerized I/M testing equipment, adopt standardized emission standards, and provide for reciprocity. Those requirements were fully implemented by Davis, Salt Lake, and Utah counties on September 1, 1991, and by Weber County on January 1, 1992.

1 Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1642

2 Renumbered and recodified in 2005 at Utah Code Annotated 41-6a-1643

1
2 Section 41-6-163.6 was again amended by the legislature in 1992 to include vehicles
3 owned and operated by the federal government, federal employees, and students and
4 employees of colleges and universities. The 1992 revision of 41-6-163.6 also established
5 more stringent restrictions for vehicles that qualify for a farm truck exemption.
6

7 Section 41-6-163.6 requires that, if identified as necessary to attain or maintain any
8 NAAQS, a county must create an I/M program that follows the criteria outlined in 41-6-
9 163.6. Once a county enacts regulations or ordinances, amendments to Section 19-2-104
10 in 1992 authorized the Utah Air Quality Board to formally establish those requirements
11 for county I/M programs after obtaining agreement from the affected counties. Section
12 41-6-163.6 was also amended to allow the counties to subject individual motor vehicles
13 to inspection and maintenance at times other than the annual inspection.
14

15 Section 41-6-163.6 was amended in 1994 to authorize implementation of I/M programs
16 stricter than minimum federal requirements in counties where it is necessary to attain or
17 maintain ambient air quality standards. Section 41-6-163.6 requires preference be given
18 to a decentralized program to the extent that a decentralized program will attain and
19 maintain ambient air quality standards and meet federal requirements. It also requires
20 affected counties and the Air Quality Board to give preference to the most cost effective
21 means to achieve and maintain the maximum benefit with regard to air quality standards
22 and to meet federal air quality requirements related to motor vehicles. The legislature
23 indicated preference for a reasonable phase-out period for replacement of air pollution
24 test equipment made obsolete by an I/M program in accordance with applicable federal
25 requirements and if such a phase-out does not otherwise interfere with attainment of
26 ambient air quality standards.
27

28 House Concurrent Resolution No. 9 of the 1994 General Session of the legislature
29 (H.C.R. 9) was a concurrent resolution of the legislature and the governor expressing
30 opposition to the EPA position regarding the implementation of enhanced vehicle
31 inspection and urging the EPA to recognize the benefits of other vehicle inspection
32 program options and to work with the state to develop workable plans for attaining
33 ambient air quality standards and protecting public health.
34

35 In 1995, the legislature amended Section 41-6-163.7 to rescind the requirement for I/M
36 program standardization and reciprocity between counties. While advantageous,
37 standardization and reciprocity between I/M counties is no longer required, and each I/M
38 county is free to develop an I/M program that best meets the respective county's needs.
39

40 In 2002, the Legislature amended Section 41-6-163.7 to allow for inspection every other
41 year for cars that are six years old or newer on January 1 each year. This provision is
42 applicable to the extent allowed under the current state implementation plan for each
43 area.
44

45 In 2005, the Legislature renumbered Section 41-6-163.6 and re-codified it as Section 41-
46 6a-1642. The Legislature also amended Section 41-6a-1642 to allow counties with an

1 I/M program to require college students and employees who park a motor vehicle on
2 college or university campus that is not registered in a county subject to emission
3 inspection to provide proof of compliance with an emission inspection.
4

5 Section 41 6a-1642 was amended in 2008 to provide an exemption for vintage vehicles,
6 which are defined in Section 41-21-1. Section 41 6a-1642 was again amended in 2009 to
7 provide an exemption for custom vehicles, which are defined in Section 41-6a-1507.
8

9 In 2010, the legislature enacted Section 41-1a-1223 that allows counties with an I/M
10 program to impose a local emissions compliance fee of up to three dollars. This same bill
11 amended Section 41-6a-1642 to require I/M counties that impose the fee to use revenues
12 generated from the fee to establish and enforce an emission inspection and maintenance
13 program.
14

15 Section 41-6a-1642 was amended in 2011 to require I/M counties' regulations and
16 ordinances to be compliant with the analyzer design and certification requirements
17 contained in the SIP.
18

19 In 2012, the Legislature amended Section 41-6a-1642 to allow a motor vehicle that is less
20 than two years old as of January 1 of any given year to be exempt from being required to
21 obtain an emission inspection. This provision is applicable to the extent allowed under
22 the current SIP for each area. This bill went into effect on October 1, 2012. In addition,
23 the legislature also amended Section 41-1a-205 to allow a safety and emissions
24 inspection issued for a motor vehicle during the previous 11 months may be used to
25 satisfy the safety and emissions inspection requirements³. The effective date of this bill is
26 January 1, 2013. The legislature also amended Section 41-1a-1223 to allow the counties
27 to collect a \$2.25 fee for those vehicles that are registered for a six-month period under
28 Utah Code Annotated 41-1a-215.5. The effective date of this bill is July 1, 2013.
29

30 Section 41-6a-1642 was amended in 2013 to include the date that notice is required and
31 the date the enactment, change, or repeal will take effect if a county legislative body
32 enacts, changes, or repeals the local emissions compliance fee. Section 41-6a-1642
33 provides that for a county required to implement a new vehicle emissions inspection and
34 maintenance program, but for which no current federally approved state implementation
35 plan exists, a vehicle shall be tested at a frequency determined by the county legislative
36 body, in consultation with the Air Quality Board, that is necessary to comply with federal
37 law or attain or maintain any national ambient air quality standard and establishes
38 procedures and notice requirements for a county legislative body to establish or change
39 the frequency of a vehicle emissions inspection and maintenance program.
40

41 In 2017, the Legislature amended Section 41-6a-1642 to allow a county that imposes a
42 local emissions compliance fee to use revenue generated from the fee to promote
43 programs to maintain a national ambient air quality standard. At that time the legislature

3 Utah Code 41-6a-1642(7) states that "the emissions inspection shall be required within the same time limit applicable to a safety inspection under Section 41-1a-205."

1 also amended 41-6a-1642 to state that vehicles may not be denied registration based
2 solely on the presence of a defeat device covered in the Volkswagen partial consent
3 decrees or a United States Environmental Protection Agency-approved vehicle
4 modification.

5
6 Notification of Programmatic Changes: The legislative body of a county identified in
7 Utah Code 41-6a-1642 (1) shall consult with the Director of the Utah Division of Air
8 Quality prior to their public comment process for any amendments to their I/M
9 regulations or ordinances. Consultation should include a written notice describing the
10 proposed changes to the I/M program.
11

12 **2. Applicability**

13
14 *General Applicability:* Utah Code Annotated 41-6a-1642 gives authority to each county
15 to implement and manage an I/M program to attain and maintain any national ambient air
16 quality standard (NAAQS). Davis, Salt Lake, Utah, and Weber counties were required
17 under Section 182 and 187 of the Clean Air Act to implement an I/M program to attain
18 and maintain the ozone and carbon monoxide NAAQS. All of Utah's ozone and carbon
19 monoxide maintenance areas are located in Davis, Salt Lake, Utah, and Weber counties.
20 In addition, a motor vehicle I/M program is a control measure for attaining the particulate
21 matter NAAQS in Cache, Davis, Salt Lake, Utah, and Weber counties. Utah's SIP for
22 I/M is applicable county-wide in Cache, Davis, Salt Lake, Utah, and Weber counties.
23

24 **3. General Summary**

25 Below is a general summary of Utah's I/M programs. Part B, C, D, E and F of this
26 section of the SIP provide a more specific summary of I/M programs for Cache, Davis,
27 Salt Lake, Utah, and Weber counties. These parts also incorporate the individual county
28 I/M ordinances/regulations and policies that provide for the enforceability of the
29 respective I/M programs.
30

31 *Network Type:* All Utah I/M programs are comprised of a decentralized, test-and-repair
32 network.
33

34 *I/M program funding requirements:* Counties with I/M programs allocate funding as
35 needed to comply with the relevant requirements specified in Utah's SIP; the Utah
36 statutes; county ordinances, regulations and policies; and the federal I/M program
37 regulation. Program budgets include funding for resources necessary to adequately
38 manage the programs conduct covert and overt audits, including repairs; assist and
39 educate inspectors, station owners, and the public; manage, analyze, and report data;
40 ensure compliance with the program by inspectors, stations, and vehicle owners; and
41 evaluate and upgrade the programs.
42

1 *Funding mechanisms:* Utah's I/M programs are funded through several mechanisms
2 including, but not limited to, a fee which is collected at the time of registration by the
3 Utah Tax Commission Division of Motor Vehicles or the county Assessor's Office. Those
4 monies are remitted to the county in which the vehicle is registered. The collection of
5 fees for various permitting activities and the selling inspection certificates to inspection
6 stations are the other mechanisms. A fee schedule can be found in an appendix to each
7 county I/M ordinance or regulation.

8
9 *Government fleet:* Section 41-6a-1642(1)(b) of the Utah Code requires that all vehicles
10 owned or operated in the I/M counties by federal, state, or local government entities
11 comply with the I/M programs.

12
13 *Vehicles owned by students and federal employees:* Section 41-6a-1642(5) provides a
14 provision that counties may require universities and colleges located in Utah's I/M areas
15 to require proof of compliance with the I/M program for vehicles which are permitted to
16 park on campus regardless of where the vehicle is registered. Vehicles operated by
17 federal employees and operated on a federal installation located within an I/M program
18 area are also subject to the I/M program regardless of where they are registered. Proof of
19 compliance consists of a current vehicle registration in an I/M program area, an I/M
20 certificate of compliance or waiver, or evidence of exempt vehicle status.

21
22 *Rental vehicles:* All vehicles available for rent or use in an I/M county are subject to the
23 county I/M program. To the extent practicable, all vehicles principally operated in the
24 county are subject to the I/M program.

25
26 *Farm truck exemption:* Eligibility for the farm truck exemption from the I/M programs is
27 specified in Section 41-6a-1642(4) and must be verified in writing by county I/M
28 program staff.

29
30 *Out-of-state exemption:* Vehicles registered in an I/M county but operated out-of-state
31 are eligible for an exemption. The owner must complete Utah State Tax Commission
32 form TC-810 in order to be registered without inspection documentation. The owner
33 must explain why the vehicle is unavailable for inspection in Utah. Common situations
34 include Utah citizens that are military personnel stationed outside of the state, students
35 attending institutions of higher education elsewhere, and people serving religious
36 assignments outside the area. If the temporary address of the owner is located within
37 another I/M program area listed on the back of the form, the owner must submit proof of
38 compliance with that I/M program at the time of, and as a condition precedent to,
39 registration or renewal of registration. The vehicle owner must identify [~~his or her~~] their
40 anticipated date of return to the state and is required to have the vehicle inspected within
41 ten days after the vehicle is back in Utah.

42
43 *Motorist Compliance Enforcement Mechanism:* The I/M programs are registration-
44 enforced on a county-wide basis. A certificate of emissions inspection or a waiver or
45 other evidence that the vehicle is exempt from the I/M program requirements must be

1 presented at the time of, and as a condition precedent to, registration or renewal of
2 registration of a motor vehicles as specified in Section 41-6a-1642(1)(a). Owners of
3 vehicles operated without valid license plates or with expired license plates are subject to
4 ticketing by peace officers at any time. Proof of compliance consists of a current vehicle
5 registration in an I/M program area or an I/M certificate of compliance or waiver, or
6 evidence of exempt vehicle status.
7

8 *Valid registration required:* A certificate of emissions inspection or a waiver or other
9 evidence that the vehicle is exempt from the I/M program requirements must be
10 presented at the time of, and as a condition precedent to, registration or renewal of
11 registration of a motor vehicles as specified in Section 41-6a-1642 and 41-1a-203(1)(c).
12 The I/M inspection is required within two months prior to the month the registration
13 renewal is due as specified in Section 41-6a-1642(7) and 41-1a-205(2)(a). Owners of
14 vehicles operated without valid license plates or with expired license plates are subject to
15 ticketing by peace officers at any time. Registration status is also checked on a random
16 basis at roadblocks and in parking lots at various locations around the state. Per Section
17 41-1a-402, Utah license plates indicate the expiration date of the registration. Per Section
18 41-1a-1303, it is a Class C misdemeanor for a person to drive or move, or for an owner
19 knowingly to permit to be driven or moved, upon any highway any vehicle of a type that
20 is required to be registered in the state that is not registered in the state. Section 41-1a-
21 1315 specifies that it is a third degree felony to falsify evidence of title and registration.
22

23 *Change of ownership:* Vehicle owners are not able to avoid the I/M inspection program
24 by changing ownership of the vehicle. Upon change of vehicle ownership the vehicle
25 must be re-registered by the new owner. The new owner must present an emissions
26 certificate, waiver, or proof of exemption from the I/M program as a condition precedent
27 to registration⁴. The new annual registration and I/M inspection dates for the vehicle will
28 be the date of registration.
29

30 *Utah Tax Commission, and County Assessors roles:* The Utah Tax Commission Motor
31 Vehicle Division and county assessor deny applications for vehicle registration or
32 renewal of registration without submittal of a valid certificate of compliance, waiver, or
33 verified evidence of exemption. Altered or hand-written documents are not accepted. All
34 certificate data is collected by county I/M program auditors and subjected to scrutiny for
35 evidence of any improprieties.
36

37 *Database quality assurance:* The vehicle registration database is maintained and quality
38 assured by the Utah Division of Motor Vehicle (DMV). Each county I/M inspection
39 database is maintained and quality assured by the county I/M program staff. The county
40 I/M program has access to the DMV database and utilizes it for quality assurance
41 purposes. All databases are subject to regular auditing, cross-referencing, and analysis.
42 The databases are also evaluated using data obtained during roadblocks and parking lot

4 See Utah Code Section 41-6a-1642 (7) and 41-1a-205(2)(b) and (c)
Section X, Part A, page 6

1 surveys. Evidence of program effectiveness may trigger additional joint enforcement
2 activities.

3
4 *Oversight provisions:* The oversight program includes verification of exempt vehicle
5 status through inspection, data accuracy through automatic and redundant data entry for
6 most data elements, an audit trail for program documentation to ensure control and
7 tracking of enforcement documents, identification and verification of exemption-
8 triggering changes in registration data, and regular audits of I/M inspection records, I/M
9 program databases, and the DMV database.

10
11 *Enforcement staff quality assurance:* County I/M program auditors and DMV clerks
12 involved in vehicle registration are subject to regular performance audits by their
13 supervisors. All enforcement personnel (direct and indirect) involved in the motorist
14 enforcement program are subject to disciplinary action, additional training, and
15 termination for deviation from procedures. Specific provisions are outlined in the DMV
16 procedures manual which is available upon request. The county I/M audit policy
17 documents are provided in their respective part of this section.

18
19 *Quality Control:* The I/M counties maintain records regarding inspections, equipment
20 maintenance, and the required quality assurance activities. The I/M counties analyze I/M
21 program data and submit annual reports to the U.S. Environmental Protection Agency
22 and UDAQ upon request.

23
24 *Analyzer data collection:* Each county's I/M analyzer data collection system meets the
25 requirements specified under 40 CFR 51.365.

26
27 *Data analysis and reporting- Annual:* The I/M counties analyze and submit to EPA and
28 UDAQ an annual report for January through December of the previous year, which
29 includes all the data elements listed in 40 CFR Subpart S 51.366 by July of each year. If
30 a report is required earlier than annually, the counties will accommodate the request.

31
32 *General enforcement provisions:* The county I/M programs are responsible for
33 enforcement action against incompetent or dishonest stations and inspectors. Each county
34 I/M ordinance or regulation includes a penalty schedule.

35
36 *General public information:* The I/M counties have comprehensive public education and
37 protection programs, including providing strategies to educate the public on Utah's air
38 quality problems; ways that people can reduce emissions; the requirements of state and
39 federal law; the role of motor vehicles in the air quality problem; the need for and
40 benefits of a vehicle emissions inspection program; ways to operate and maintain a
41 vehicle in a low-emission condition; how to find a qualified repair technician; and the
42 requirements of the I/M program. Information is provided via county websites and direct
43 response to inquiries for information, reports, classes, pamphlets, fairs, school
44 presentations, workshops, news releases, posters, signs, and public meetings. Utah

1 Department of Environmental Quality also provides information on its website about
2 ways to operate and maintain a vehicle in a low-emission condition.

3
4 *County I/M technical centers:* Each I/M county operates an I/M technical center staffed
5 with trained auditors and capable of performing emissions tests. A major function of the
6 I/M technical centers is to serve as a referee station to resolve conflicts between permitted
7 I/M inspectors, stations, and motorists. Auditors actively protect consumers against fraud
8 and abuse by inspectors, mechanics, and others involved in the I/M program. Complaints
9 are received and investigated fully. Auditors advise motorists regarding emissions
10 warranty provisions and assist the owners in obtaining warranty covered repairs for
11 eligible vehicles. The I/M technical centers also provide motorists with information
12 regarding the I/M program, general air pollution issues, and emissions-related vehicle
13 repairs.

14
15 *Vehicle inspection report:* A vehicle inspection report (VIR) [~~is printed and~~] will be
16 [~~provided~~] issued to the motorist after each vehicle inspection. The VIR includes a public
17 awareness statement about vehicle emissions and lists additional ways that the public can
18 reduce air pollution. The test results are detailed on the VIR. Information about vehicle
19 emissions warranties and the benefits of emissions-related repairs are printed for vehicles
20 that failed the test. If the vehicle fails a retest, information about wavier requirements,
21 application procedures and the address and telephone number of the applicable I/M
22 technical center are printed on the VIR.

23
24 *Reciprocity between County I/M programs:* Utah I/M programs are conducting the same
25 test procedures and thereby agreed to recognize the validity of a certificate granted by
26 any Utah I/M program.
27